

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING (IN LAS CRUCES)

CASE No.:	No. CR 15-4268 JB	DATES:	March 05-09, 2018
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CASE CAPTION:	<i>USA v. DeLeon, et al.</i>
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CRD:	J. Standridge	COURT REPORTER:	J. Bean
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MONDAY, MARCH 05, 2018

COURT IN SESSION:	8:22 a.m. 9:48 a.m. 12:44 p.m. 3:45 p.m. 4:46 p.m. 6:04 p.m.	COURT IN RECESS:	9:37 a.m. = 1:15 11:47 a.m. = 1:59 3:33 p.m. = 2:49 4:27 p.m. = 0:42 5:54 p.m. = 1:08 6:57 p.m. = 0:53 TOTAL = 8:46
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TUESDAY, MARCH 06, 2018

COURT IN SESSION:	10:28 a.m.	COURT IN RECESS:	10:52 a.m. = 0:24 TOTAL = 0:24
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WEDNESDAY, MARCH 07, 2018

COURT IN SESSION:	a.m.	COURT IN RECESS:	a.m. = TOTAL =
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THURSDAY, MARCH 08, 2018

COURT IN SESSION:	a.m.	COURT IN RECESS:	a.m. = TOTAL =
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FRIDAY, MARCH 09, 2018

COURT IN SESSION:	4:42 p.m. 5:04 p.m. 5:37 p.m.	COURT IN RECESS:	4:54 p.m. = 0:14 5:32 p.m. = 0:28 5:45 p.m. = 0:08 TOTAL = 0:50
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TYPE OF PROCEEDING: Jury Selection/Jury Trial (see below)**COURT'S RULING/DISPOSITION:**

1.

**ORDER CONSISTENT WITH COURT'S RULING TO BE
PREPARED BY:****ATTORNEYS PRESENT FOR PLAINTIFF(S):**Maria Armijo/Randy Castellano/
Matthew Beck, AUSAs**ATTORNEYS PRESENT FOR DEFENDANT(S):**Richard Jewkes/Amy Jacks (for Deft. Daniel
Sanchez)Marc Lowry/Theresa Duncan (for Deft. Anthony
Ray Baca)

William Maynard/Carrie Bhalla (for Deft. Carlos Herrera)

Ryan Villa/Justine Fox-Young (for Deft. Rudy Perez)

COURT IN SESSION:

8:30 a.m.

COURT:

Calls case. Counsel enter appearances. FBI Special Case Agent Brian Acee present. Eda Gordon, Investigator, present with Defendant Perez. Cynthia Gilbert, paralegal, present for all defense teams.

MONDAY, MARCH 05, 2018

8:22 a.m. Court in session.

Court: Finalizes jury instructions.

Court: Reads Final Jury Instructions to the jury.

9:29 a.m. Court: Calls and conducts bench conference.

9:34 a.m. Court: Addresses the jury re: closing arguments and next phase of the trial. Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

9:37 a.m. Court in recess.

9:48 a.m. Court in session.

9:56 a.m. Court: Calls and conducts bench conference.

9:57 a.m. Mr. Castellano: Closing arguments.

11:27 a.m. Ms. Jacks: Objection. Beyond evidence presented.

Court: Over-ruled.

11:44 a.m. Mr. Castellano: Concludes closing arguments.

Court: Calls and conducts bench conference.

11:45 Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

11:47 a.m. Court in recess.

12:44 p.m. Court in session.

Court: Inquires how much time will be needed by Ms. Duncan.

Ms. Duncan: Closing arguments should take approximately 1.5 hours.

12:52 p.m. Jury enters courtroom.

Ms. Duncan: Closing arguments.

1:56 p.m. Ms. Duncan: Concludes closing arguments.

Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

1:58 p.m. Court in recess.

2:11 p.m. Court in session

Mr. Villa: Closing arguments.

3:30 p.m. Mr. Villa: Concludes closing arguments.

Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

Court: Addresses note from Juror #16. Marked as Clerk's Exhibit Y.

3:33 p.m. Court in recess.

3:45 p.m. Court in session.

Court: Inquires how much time needed by Ms. Bhalla and Ms. Jacks.

3:48 p.m. Jury enters courtroom.

Ms. Bhalla: Closing arguments.

4:24 p.m. Ms. Bhalla: Concludes closing arguments.

Court: Calls and conducts bench conference.

Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

4:27 p.m. Court in recess.

4:36 p.m. Court in session.

Ms. Jacks: Closing arguments.

5:50 p.m. Ms. Jacks: Concludes closing arguments.

Court: Calls and conducts bench conference.

Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

5:54 p.m. Court in recess.

6:04 p.m. Court in session.

Ms. Armijo: Rebuttal – Closing arguments.

6:37 p.m. Ms. Jacks: Objection.

Court: Follow the instructions.

6:39 p.m. Ms. Armijo: Concludes closing arguments.

Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

6:42 p.m. Alternate juror have been named.

6:43 p.m. Jury exits courtroom.

6:54 p.m. Jury enters courtroom.

6:57 p.m. Court in recess.

TUESDAY, MARCH 06, 2018

9:00 a.m. Jury begins deliberation.

10:28 a.m. Court in session.

Court: Addresses Note 1 and Note 2 from jury, and Note from Alternate Juror #1.

Court: Jury Note #1, marked as Clerk's Exhibit Z. Jury note from Alternate Juror #1, marked as Clerk's Exhibit AA. Jury Note #2, marked as Clerk's Exhibit AB.

10:49 a.m. **Court:** Exhibits sent back to jury: Govt Exhibits 561, 568, 573, 574, 581, 586, 596, 605, 606, 619, 628 and 636.

10:52 a.m. Court in recess.

5:32 p.m. Per direction of the Court: CRD Standridge directed to release the jury for the evening. Jury instructed to return 03/07/2018 at 8:30 a.m.

WEDNESDAY, MARCH 07, 2018

8:31 a.m. Jury begins deliberation.

5:30 p.m. Per direction of the Court: CRD Standridge directed to release the jury for the evening. Jury instructed to return 03/08/2018 at 8:30 a.m.

THURSDAY, MARCH 08, 2018

8:28 a.m. Jury begins deliberation.

5:30 p.m. Per direction of the Court: CRD Standridge directed to release the jury for the evening. Jury instructed to return 03/08/2018 at 8:30 a.m.

FRIDAY, MARCH 09, 2018

8:33 a.m. Jury begins deliberation.

4:22 p.m. Court in session.

Court: Addresses "Notes From the Jury", marks Clerk's Exhibit AC, AD, AE, AF, AG, AH, AI, AJ, AK.

4:34 p.m. **Court:** Calls and conducts bench conference.

Court: Marks Clerk's Exhibit AL.

4:35 p.m. **Court:** Inquires if anything needs to be placed on the record.

Mr. Maynard: Jury notes re: lunch and dismissal at the end of the day, does not need to be asked for approval. Just follow-up with an e-mail informing all parties.

Govt & Defense: All parties in agreement.

Court: Will inform all parties when jury takes lunch and/or is dismissed for the day.

4:36 p.m. Mr. Lowry: Inquires about having 1 attorney present next week.

Ms. Jacks: Motion to Dismiss pending. Requests permission to call Nancy Stemo for questioning.

Court: Instructs Ms. Jacks to contact Ms. Wild to schedule hearing for next week.

Ms. Jacks: Inquires if all parties have to return next week.

Court: Addresses the return of parties next week based on the outcome of the jury.

4:42 p.m. Ms. Bhalla: Addresses the Motion to Dismiss.

4:44 p.m. Court: Note from Jury.

4:46 p.m. Mr. Villa: Requests the Court inquire of the jury if more time to deliberate would be of assistance.

Ms. Armijo: Agree to proposal by Mr. Villa.

4:54 p.m. Court in recess.

5:04 p.m. Court in session.

Court: Note from Jury. Request to leave now, return 8:30 a.m. Monday.

Ms. Armijo: Concurs with request from jury.

5:09 p.m. Court: Addresses parties re: 10th Circuit Instruction Regarding a Partial Verdict.

5:22 p.m. Court: Marks Clerk's Exhibit AN

Court: Marks Supplemental Jury Instruction #1 (Draft & Final)

5:28 p.m. Jury enters courtroom

Court: Reads Supplemental Jury Instruction (Final)

5:32 p.m. Court in recess.

5:37 p.m. Court in session.

Court: Marks Clerk's Exhibit AO & AP

Court: Addresses the foreperson, confirming jury would like to leave for the weekend and return on Monday to continue deliberations.

Court: Admonishes jury re: discussion of case with fellow jurors, family members, friends etc., research of case on electronic devices or internet, listening to news reports related to this case.

Jury to return on Monday, 03/12/2018 at 8:30 a.m.

5:45 p.m. Court in recess.